

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION  
STATE OF FLORIDA  
CASE NO.: 04-455

INQUIRY CONCERNING JUDGE SUPREME CT. CASE NO. SC05-555  
JOHN R. SLOOP;

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**FINDINGS, CONCLUSIONS AND RECOMMENDATIONS**  
**BY THE HEARING PANEL OF THE JUDICIAL QUALIFICATIONS COMMISSION**

The Hearing Panel of the Judicial Qualifications Commission ("JQC") respectfully submits the following Findings, Conclusions and Recommendations pursuant to Article V, § 12(a)(1), (b) and (c), of the Florida Constitution.

**OVERVIEW AND CONCLUSIONS**

Judge John R. Sloop, a County Judge in Seminole County, Florida, was charged by the prosecuting Investigative Panel of the JQC with certain violations of the Code of Judicial Conduct. The violations charged relate to the conduct of Judge Sloop on three different occasions in 2004 while acting in his capacity as a County Judge in Sanford, Florida. Generally, the Investigative Panel contends: (1) that Judge Sloop issued arrest warrants for 11 persons who did not answer his docket call in a particular courtroom and that these arrests were a pattern of conduct and further that Judge Sloop delayed in releasing them after learning that they had been present in the courthouse but were in the wrong courtroom, (2) that he refused to release a particular defendant in the face of a clear rule mandate and (3)

that he acted in an abusive manner to a defendant in a particular case.

Judge Sloop's Answer generally pled guilty to the charges with an explanation. The Answer also asserted in mitigation that his conduct was in part the result of a previously undiagnosed mental and physical condition known as Attention Deficit Hyperactivity Disorder (ADHD).

Judge Sloop has agreed to any recommended discipline short of removal. (T. 38, 140). At the time of the hearing he was 57 years of age. He was elected in 1991 and has served as a County Court Judge for 16 years. He requests that he be permitted to serve out the last 4 years of his current term. (T. 38-41). He has committed that he will not run for reelection and that he is now under professional treatment for his previously unknown ADHD condition and fully intends to continue this treatment. (T. 140). The Investigative Panel argued as aggravating factors that Judge Sloop failed to heed three prior private warnings by the JQC in 1991 and 2002 on inquiries when probable cause to file charges was not found.

After consideration of all the evidence and argument, the Hearing Panel concludes, based on the clear and convincing evidence, that Judge Sloop is guilty of Counts One, Three and Four and that he should be reprimanded and penalized but remain

on the bench until the end of his current term under certain prescribed conditions. A recurring pattern as alleged in Count Two was not found.

### **The Charges and the Answer**

Judge Sloop was served with the Amended Notice of Formal Charges by the Investigative Panel of the JQC on July 12, 2005.

The charges are here quoted in full:

#### **COUNT ONE:**

On or about December 3, 2004, you issued arrest warrants for approximately 11 traffic defendants who had not answered your docket call, but who were in fact, properly in an adjoining courtroom pursuant to their summonses or the direction of the judicial deputy sheriffs or bailiffs. You were informed of the circumstances, but nevertheless proceeded to have the arrest warrants carried out, and these defendants arrested, and you initially declined to release them. As a result, these traffic defendants remained in jail until their release was considered by another judge. You then revisited your arrest warrants.

#### **COUNT TWO:**

The instance in paragraph 1 is representative of a recurring pattern and practice of signing arrest warrants when a Defendant does not answer the docket call, resulting in persons being wrongfully incarcerated.

#### **COUNT THREE:**

In the cases of State v. Ramos, (Case No.: 04-002343-CFA) and State v. Jones, (Case No.: 04-8388-MMA)<sup>1</sup>, you declined

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<sup>1</sup> The allegations in Count Three concerning State v. Jones (Case No.: 04-8388-MMA) were abandoned and dismissed by the prosecution during prehearing proceedings and were not addressed during the hearing of March 2006.

to release a defendant pursuant to the clear mandate of Florida Rules of Criminal Procedure 3.134, thereby requiring the defendant's release pursuant to a writ of *habeas corpus*.

**COUNT FOUR:**

On or about October 18, 2004, in the case of State v. Mercano, (Case No. 94-12684 MMA), you were rude, abrupt, and abusive in your treatment of the defendant, acting more like a prosecutor than a circuit (sic) court judge.

The acts described above, if they occurred as alleged, were in violation of Canons 1, 2A, and 3(B)(2), (4) and (8) which are applicable to you as a judge.

These acts, if they occurred as alleged, would impair the confidence of the citizens of this state in the integrity of the judicial system, and in you as a judge, would constitute conduct unbecoming of a member of the judiciary, would demonstrate your present unfitness to hold the office of judge, and would warrant discipline, including, but not limited to remand, fine, suspension with or without pay, and/or your removal from office.

Judge Sloop filed his Answer and Affirmative Defenses to the amended charges on August 1, 2005. This Answer admitted that Judge Sloop had issued arrest warrants before noon on December 3, 2004, for all the traffic offenders who were not present at his docket sounding. It was further admitted these individuals were then arrested in the courthouse and taken to jail. After being advised that all of these individuals had been in the wrong courtroom through no fault of their own and due to misdirection by others, Judge Sloop asserted that he signed written orders for their "immediate release" which orders

were fax transmitted to the jail by the Court Clerk at 3:49 p.m. (Answer p.2, T. 110-111). Judge Sloop's Answer explained that arrest warrants were normally issued for all persons who did not show up for their required appearances. He stated that he had previously issued warrants at the end of the docket call but that he changed this procedure at the time of these arrests and ordered the warrants after each name was called.

The Answer also made certain admissions concerning the Ramos case and the Mercano case as alleged in Counts Three and Four. Judge Sloop admitted that he had attempted to release defendant Ramos on an electronic monitoring program when he Ramos was ineligible for that program and that this resulted in Ramos being taken into custody again requiring his subsequent release by another judge on the Circuit Court. (Answer p.2,3). The Answer also admitted to abrupt and rude behavior toward the defendant Mercano in open court in an attempt to convince her to pay a long overdue fine. (Answer p.3).

The Answer contained Affirmative Defenses in the nature of mitigation. Judge Sloop asserted that after the 11 arrests and incarcerations that he realized he might be suffering from some mental disorder which adversely influenced his ability to remain focused and to make quick decisions. (Answer p.3,4). He asserted that he had sought and received professional counseling

and been advised by these professionals that he was suffering from Adult Attention Deficit Hyperactivity Disorder (ADHD). This Answer recites that as a result of this advice he is being treated with medication and regular counseling for this ADHD condition and that the disorder has substantially improved under this treatment. (Answer p.3,4).

### **The Record**

The pleadings, including the charges and defense, are already before the Court in the file designated as SC05-555. The transcript of the testimony and the exhibits and pleadings filed during the hearing are filed along with these Findings, Conclusions and Recommendations. The transcript of testimony is in three volumes and will be designated as (T. \_\_\_\_). The Exhibits will be designated (Exh. No. \_\_\_\_).

### **The 2006 Hearing**

After the filing of Pretrial Statements there were unsuccessful attempts at resolving this case by agreement. After denial of a Motion for Continuance by the Investigative Panel, the matter proceeded to a hearing before the Hearing Panel. The Panel was composed of Judge Thomas B. Freeman (Chair), Judge Manuel Menendez, Jr., attorney Miles McGrane, III, attorney John P. Cardillo, lay member Susan Gummey and lay member Rick Morales. The hearing occurred in Sanford, Florida

at Judge Sloop's request and lasted two days. The Investigative Panel of the JQC was represented by Special Counsel Lauri Waldman Ross. Attorney Mark Lubet served as defense counsel to Judge Sloop. Attorney John Beranek served as counsel to the Hearing Panel. Mr. Tom MacDonald was present as general counsel to the Investigative Panel. Judge Sloop was present throughout the hearing and testified at length. (T. 79-156).

At the beginning of the hearing Judge Sloop's counsel filed and argued a Motion in Limine seeking to exclude from the Hearing Panel's consideration three prior incidents in 1991 and 2002 which resulted in warnings by the Commission to Judge Sloop. (T. 1-15). Special Counsel conceded that the JQC did not find probable cause on any of these matters. Judge Sloop sought to exclude the materials from these prior inquiries on which he had received only private warnings. It was argued that consideration of these matters would constitute a violation of JQC Rule 23 which provides for confidentiality until probable cause is found. Since probable cause was never found on any of these inquiries, it was argued that they could not be considered.

Special Counsel relied upon In re: Schwartz, 755 So. 2d 110 (Fla. 2000), where the Florida Supreme Court did consider prior warnings which had been privately stated to a judge in the

absence of any finding of probable cause. After hearing argument on the Motion in Limine, the Hearing Panel deliberated and voted to deny the motion with limitations on what evidence would be considered. The Chair announced the ruling and advised counsel that the prior warnings would be considered only in regard to the possible penalty and that the specific facts of these prior inquiries would not be tried as separate allegations. (T. 15). When the prosecution first attempted to introduce factual details as to the 1991 incident, a defense objection was sustained. (T. 84).

The Hearing Panel confirms these rulings and also notes that confidentiality regarding these prior inquiries may have been waived due to disclosure of these events in discovery. Judge Sloop conceded in his deposition testimony and at the actual hearing before the Panel that he received a JQC warning shortly after he was elected in 1991, a further warning concerning his display of a handgun during a court proceeding in 2002 and a warning concerning rude and abusive remarks to a defendant in 2002. (T. 84,85). In each of these prior matters the JQC privately warned Judge Sloop concerning his temper but did not find probable cause to file charges. The occurrence of the warnings rather than the detailed facts was thus considered by the Panel.



As previously indicated, the hearing lasted 2 days. The prosecution presented the testimony of Mrs. Alda Mae Rugg, Mr. Ronald Parilla and Dr. Deborah Day. Mrs. Rugg and Mr. Parilla were two of the 11 citizens who were arrested based on the warrants issued by the Clerk at Judge Sloop's direction. Both Rugg and Parilla gave graphic testimony that they had been misdirected by Sheriff's officers or courthouse personnel to the wrong courtroom (Courtroom 1B) and that they sat in this courtroom for several hours and were then directed by Judge Eckerson to go to Judge Sloop's courtroom which was Courtroom 1A. Judge Sloop was not present because his court session had ended. The warrants had already been issued and signed and the 11 people, to their great surprise, were then arrested in Courtroom 1A beginning at approximately 11:24 a.m. (T. 125). They were handcuffed and chained by approximately 15 officers and transported to the jail where they were processed and strip searched. They remained in the jail for several hours. They were arrested before noon and were not released from the jail until approximately 9:00 p.m. that evening. (T. 51,70).

Those arrested were understandably outraged and frustrated. They had repeatedly demanded to be able to see the judge who had ordered their arrests. This request to the deputies and bailiffs was denied after bailiffs attempted to contact the

judge. (T. 48,72). There were actually 12 people arrested. A juvenile had also been among those arrested but she was released by the deputies when her age was discovered before being transported to the jail. (T. 109). The records on all of these arrests and incarcerations were officially expunged and only came into evidence by stipulation and an order of the chief judge. (Exhibits No. 2,3,5).

The prosecution offered in evidence three DVD's which were electronically displayed before the Panel. The December 3, 2004, DVD showed the Sheriff's officers while actually arresting and placing the traffic offenders in custody in courtroom 1A. As described by Rugg and Parilla, the DVD showed each individual was handcuffed and chained and then transported out of the courthouse by the 15 officers who gathered from all over the courthouse. (Exh. 4). The arrests occurred in Judge Sloop's courtroom after he had recessed his morning session. He did not return to this courtroom until later in the afternoon.

In addition to the three witnesses, Rugg, Parilla and Day, the prosecution also called Judge Sloop to the stand as an adverse witness. Judge Sloop testified at length responding to questions by Special Counsel and Defense Counsel along with questions from the members of the Hearing Panel. (T. 79-156).

In addition to relying upon Judge Sloop's testimony, his counsel called Dr. Heidi Napolitano, M.D. and Daniel Tressler, a licensed psychologist who both testified to Judge Sloop's ADHD disorder and his treatment which they both stated to be successful. (T. 187,277). Judge Sloop also called three character witnesses, Circuit Judge Clayton Simmons, Mr. Rutledge Bradford and Mr. Robert Gustafson. (T. 359,380,413). Numerous affidavits of good character were also submitted by the defense and considered by the Panel.<sup>2</sup>

The new courthouse in Seminole County is a modern building with state-of-the-art video and sound recording equipment. Thus the events which occurred in Judge Sloop's Courtroom 1A were videoed and preserved on DVDs. Thus in such modern courthouses the judiciary should recognize that trial judges will be subjected to ever increasing scrutiny. Three DVDs were

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<sup>2</sup> One of these was an affidavit by Chief Judge James C. Perry wherein he summarized his own involvement and stated that he had repeatedly counseled with Judge Sloop concerning the incident. His view as that Judge Sloop was successfully managing a very large civil caseload, that he had taken proper steps to remedy the problem and that he was a valuable and productive judge who should remain on the bench. (See attachments to Pretrial Memorandum by Judge Sloop.)

admitted as JQC Exhibits 4, 10 and 13 and arrangements will be made by the JQC for the Court to view and listen to these exhibits if the Court's clerk so advises counsel to the Hearing Panel.

The findings of guilt contained in these Findings, Conclusions and Recommendations were each determined by at least a two-thirds vote of the six member Hearing Panel in accordance with Article V, § 12(b) of the Florida Constitution and Rule 19 of the JQC Rules. In the view of the Hearing Panel, each of the affirmative findings herein are supported by Judge Sloop's admissions and clear and convincing evidence in accordance with In re: Henson, 913 So. 2d 579 (Fla. 2005); In re: Ford-Kause, 703 So. 2d 269 (Fla. 1999); In re: Graziano, 696 So. 2d 744, 753 (Fla. 1997); and In re: Davey, 645 So. 2d 398, 404 (Fla. 1994). The vote of the six member panel on both guilt and recommended discipline met the two-thirds requirement of the Florida Constitution and JQC Rules.

Judge Sloop was a practicing attorney when elected to the county bench in 1991. He is married to an attorney, Mrs. Vicky Sloop, who was also educated as a psychologist. (T. 81). Mrs. Sloop did not testify but Judge Sloop indicated that she was the first person to suggest to him that he might have ADHD. (T.

112). The date of this suggestion was uncertain but it was recent.

Judge Sloop conceded he was the subject of three prior inquiries by the JQC and these resulted in private warnings concerning possible temper problems. (T. 84). Probable cause to file formal charges were not found on any of these inquiries and the Hearing Panel excluded evidence as to the actual facts on the prior inquiries based on the objection by Judge Sloop's counsel. (T. 84). Judge Sloop admitted that during his many years on the bench, other judges had told him that he should be cautious because he had a temper problem. (T. 91). Certain bar review polls also rated Judge Sloop as low in the area of demeanor. (T. 86). Despite the warnings from the JQC and advice from other judges, Judge Sloop never sought professional help for anger management or ADHD or any other mental or physical disorder. (T. 92). He had always believed that he was completely healthy both mentally and physically. He rarely drinks alcohol and has a normal social life. (Exh. No. 22 p.3). He believes he has always had a minor problem when things do not go his way.

Judge Sloop's background, legal practice, psychological evaluation, and judicial activities indicate that he is a very intelligent professional person. (Exh. No. 22 p.5,6). He is

also extremely hardworking and often works on weekends and holidays. He has participated for years in Boy Scouting and educational pursuits and he frequently assists in building homes for Habitat for the Humanities. (T. 122-124). He stays extremely busy and is a productive member of his community.

**Count One -- The Arrests, Incarcerations and Delay in Release**

Notwithstanding the plea of guilt to this charge, substantial evidence was presented and the Panel thus makes the essential findings of fact based upon the testimony, other evidence and the admissions in the pleadings.

The events of December 3, 2004, occurred in the new Seminole County Courthouse. Due to uncertainty as to which courtrooms judges would be located in based on delays in completion of the new courthouse, there was confusion as to precisely where citizens were required to respond to their traffic citations. (T. 44,45). Judge Sloop was assigned to courtroom 1A and Judge Erickson, also a county judge, was assigned to courtroom 1B. Due to misdirection, the 11 people in question sat in courtroom 1B for hours until Judge Erickson recognized that something was wrong and checked their paperwork. Judge Erickson then advised them that they were in the wrong courtroom and sent them to courtroom 1A. (T. 47).

Judge Sloop had ended his morning session at approximately 11:00 a.m. and before leaving the bench he had the Clerk issue arrests warrants on all individuals who had not shown up for their scheduled hearings. (T. 97). These warrants included the 11 citizens who had been in Judge Erickson's courtroom. There was uncertainty as to precisely when these arrest warrants were actually signed but they were clearly issued before noon of December 3, 2004. At about 11:15 a.m. Bailiff Olli Csisko found Judge Sloop who was eating lunch and told him that certain of the people who had not shown up were now in his courtroom. (T. 97). The details on these people being directed to the wrong courtroom were not initially provided by Bailiff Csisko and Judge Sloop did not check further as to their prior location in the other courtroom. He simply told his bailiff that court was over and the warrants were already signed. (T. 97).

Subsequently, Judge Erickson and another county judge, Judge Herr, came to Judge Sloop and suggested to him that these people had been present in the wrong courtroom and should not be arrested. Another bailiff made the same or a similar suggestion. (T. 97-103). Judge Sloop's reaction to all of these suggestions was that the warrants had already been issued and that each defendant had the obligation to appear in the

proper courtroom. (T. 97,98). There was general concern among the judges and staff in the courthouse over these arrests.

Judge Sloop had left the courthouse during the noon recess on a personal errand and then returned at 1:15 p.m. to get ready for his calendar of First Appearances. (T. 102). He was finally convinced that the 11 individuals should be released and he signed orders for their "immediate release." (T. 107,110). This was partly due to the fact that Judge Herr himself had actually prepared the paperwork. Chief Judge Perry was also taking steps to get these citizens released. (T. 107).

The release orders by Judge Sloop were time-stamped at 2:22 p.m., but not faxed by the Clerk to the jail until 3:49 p.m. (T. 110). Judge Sloop could give no explanation for the approximate 1-1/2 hour delay. (T. 110). Judge Sloop stated that his order required the "immediate" release of all of the individuals without bond and he was shocked when he learned that they actually were not released until approximately 9:00 p.m. that evening. (T. 110). Judge Sloop was not even aware of the number of people who had actually been arrested. He never saw the 11 arrested people in a group and was only advised that the number was 11 after they had been transported to jail. Judge Sloop repeatedly stated that he assumed that they would be immediately released and he denied having any idea that persons



arrested under such circumstances would be strip searched in the jail facility. (T. 144). This was apparently the policy of the Seminole County corrections staff who operate the jail facility. (T. 55).

The arrests occurred on Friday and on the following Monday, Chief Judge James Perry sat down with Judge Sloop and asked him why he had not solved the problem by simply walking back into his courtroom and taking care of it immediately. (T. 111-112). Judge Sloop responded that he did not understand why this was a "big deal." (T. 112). Judge Sloop had taken no steps to check on the citizens he had caused to be arrested.

Notwithstanding the gravity of the events of December 3, 2004, the Panel does not find clear and convincing evidence of a pattern of similar arrests and incarceration by Judge Sloop.

Only after the arrests and the December 6, 2004, conversation with Chief Judge James Perry did Judge Sloop suspect that he might have been influenced by some mental disorder. (T. 112). He testified he suspected an ADHD condition. (T. 112,140). When Judge Sloop first saw a physician, he suggested the possibility of ADHD to this doctor. Judge Sloop was then referred to Dr. Heidi Napolitano who is a psychiatrist. She is licensed in Florida. (T. 170). Judge Sloop also participated in an anger management course which he

successfully completed on September 20, 2005. (Exh. No. 22 p.1). He simultaneously began seeing Daniel Tressler who is a psychologist. Dr. Tressler is licensed in Florida, is in active practice and continues to meet with Judge Sloop on a regular basis. Dr. Napolitano diagnosed a serious ADHD condition and psychologist Tressler agreed with that diagnosis. (T. 181,277).

Judge Sloop was also evaluated by psychologist Deborah Day at the request of the JQC Investigative Panel. With the consent of Judge Sloop, Dr. Day did numerous tests and prepared an extensive written report. (Exh. 22). She also testified as a rebuttal witness called by the prosecution at the hearing. (T. 420). Dr. Day's opinion was that there was "some merit" to the ADHD diagnosis. (T. 278 and Exh. 22 p.9). This opinion was based on her review of the reports from Dr. Napolitano and Dr. Tressler and conferences with Judge Sloop. She agreed with the ADHD diagnosis primarily because his use of the drug Concerta improved his symptoms. Concerta and Ritalin are both accepted treatment for ADHD. If a person who does not have ADHD takes Concerta, a very adverse reaction would be expected. This did not occur in Judge Sloop's case. (T. 175).

Thus the three professional experts who evaluated Judge Sloop reached consistent opinions as to his ADHD diagnosis and they also consistently recommend continued counseling and drug

therapy. These professionals were also of the view that the drug therapy and counseling were having a pronounced good effect on Judge Sloop and that his ADHD problems were under control and would remain under control so as long as he continued in this treatment. (T. 186,187). Dr. Day did express some reservations about Judge Sloop's possible future problems and his ability to deal with his own temper or anger problems. (Exh. No. 22 p.10). Judge Sloop himself testified that he has recognized a great improvement due to all of his professional help and that he fully intends to continue with his medication and counseling. (T. 140). He continues to see both Dr. Napolitano and psychologist Tressler on a regular basis.

The Hearing Panel concludes, based on the admissions and the totality of the evidence, that Judge Sloop does have an ADHD disorder and that his treatment has thus far been beneficial. (T. 187,276). There was no evidence or indication of improper behavior on the bench since the December 2004 events. Immediately after the December arrests, by order of Chief Judge James Perry, Judge Sloop was removed from the criminal division and assigned solely to a newly created civil division. (Exh. 8). He has remained in that division since then and has handled almost a double caseload due to the necessary reassignment of caseloads among all of the county judges. His performance under

the stress of this high caseload has been acceptable and highly complemented by Chief Judge Perry in his affidavit. (See footnote 2 herein).

### **Attention Deficit Hyperactivity Disorder (ADHD)**

ADHD is a recognized condition in children and has only more recently been recognized as affecting adults. (T. 183,197). It is difficult to define the condition but Dr. Napolitano has described it in adults as involving the primary symptoms of disinhibition and affective lability. (T. 177, Exh. No. 16). The doctor described this as involving patients who are unable to stop themselves from immediately responding and have deficits in their capacity for self monitoring of their behavior. Other symptoms include affective lability, a quick temper, inability to organize priorities and follow through on thoughts and tasks (procrastination) and stress intolerance. In the words of Dr. Napolitano, affective lability is characterized by intense affective outbursts ranging from euphoria, to despair and to anger. (Exh. No. 16). This can be experienced by the adult ADHD patient who may become out of control. Dr. Napolitano initially placed Judge Sloop on Ridlin but after certain adverse side effects, changed his treatment to Concerta. (T. 228-233). He has reacted well to Concerta which would not occur unless he has ADHD. (T. 173,184,185).

Psychologist Tressler and psychologist Day both generally stated their opinions to be consistent with Dr. Napolitano. Dr. Day also testified that many people have some symptoms of ADHD and that the data indicates that it is more likely than not that Judge Sloop may have some further problems. Dr. Day was of the view that another component of his problem was anger which was a pervasive characteristic. (Exh. No. 22 p.10). The Hearing Panel accepts the opinions of these three experts and finds as a matter of fact that Judge Sloop has been suffering from previously undiagnosed ADHD and that his psychological counseling and drug therapy has been beneficial and that he is competent to remain on the bench so long as he remains under active treatment for the condition. All of the professional opinions were that ADHD is not a curable condition but that it can be managed and controlled which Judge Sloop is now doing.

#### **Delay in Releasing Arrested Citizens**

The arrests, while not technically illegal, should not have occurred. A person who does not appear for a scheduled criminal traffic citation hearing may certainly be taken into custody and brought before a judge. However, any judge should be sensitive to the number of citizens he issues arrest warrants on and he or she should most certainly be sensitive to what happens to those people after they have been arrested. A person who does not

show up for a traffic offense hearing would most often be taken into custody at some later time when he or she happens to come to the attention of the police outside the courthouse. Here 11 people were actually taken into custody in Judge Sloop's own courtroom and he knew nothing about it as it was occurring. (T. 107). Judge Sloop was not directly responsible for the Sheriff's office use of chains nor for the strip search of the individuals in the jail. Similarly Judge Sloop was not actually responsible for the 8 hours which many of these people spent in the jail and he was shocked to learn that they had not been "immediately" released pursuant to his orders. (T. 110). Again, the delay is inexcusable and Judge Sloop was clearly at fault in the initial delay in signing the release orders and immediately getting them into the hands of the proper authorities. He was too slow in reacting to all of these events which were brought to his attention by two different bailiffs and two different county judges. As Judge Perry indicated on the Monday following the arrests, he should have done something about it right away and Judge Sloop displayed a cavalier attitude in his question as to why it was a "big deal."

Judge Sloop is clearly guilty of Count I and the Hearing Panel recognizes the justified public outrage. We can only say that Judge Sloop may not be responsible for all of the insulting

events in question, but that he certainly could have and should have done much more to solve the problems after the initial warrants had been authorized. He should have done more than merely signing an order releasing 11 people when he knew those 11 people had been present in the courtroom next door to his own courtroom. The delay in the release of these citizens from the jail was apparently the result of paperwork and processing in the Sheriff's office and the jail. However, the public sees the courts and the jails as one and the same.

The Panel is also concerned over the fact that Judge Sloop has never apologized directly to the 11 individuals. He testified that he did write a proposed letter of apology. This unsigned letter was introduced into evidence but Judge Sloop never mailed the letter. (Exh. No. 14). He also testified that he did not apologize personally because his lawyer told him not to attend the depositions of these people. (T. 125). When he was pressed on why he had not apologized earlier, he testified that he was initially struggling with an undiagnosed mental disorder. (T. 146). Judge Sloop should have apologized and his statements of apology to Mrs. Rugg and Mr. Parilla during the JQC hearing are recognized but are extremely late.

### **Failure to Release Defendant Ramos**

The Ramos case was a situation in which Judge Sloop attempted to release Ramos on an electronic monitoring program. He was actually ineligible for this program and this resulted in his being taken into custody again and not initially released by Judge Sloop. Instead, Ramos was released by a circuit judge on a petition for habeas corpus. (Exh. 9).

The evidence concerning this Ramos offense consisted of the court documents in question. Judge Sloop pled guilty to this charge and does not deny that he was at fault in not more quickly releasing this defendant after his second incarceration. The Hearing Panel, on the basis of the clear and convincing evidence and admissions of guilt, finds Judge Sloop guilty on this charge but further concludes that there was no intentional act or ruling for which Judge Sloop should be punished under this count.

### **Abusive Treatment of Defendant Mercano**

Again, Judge Sloop pled guilty to this charge and the proof was clear and convincing because it consisted of a DVD which clearly demonstrated that Judge Sloop became angry with this defendant in his courtroom and expressed this sentiment repeatedly in open court. Based on this clear and convincing evidence, Judge Sloop is found guilty of this count.



### **Recommended Penalty**

The Investigative Panel argues that the 11 citizens should never have been subjected to arrest and incarceration and the accompanying insults which occurred even if some of these events were unforeseeable. It is asserted that Judge Sloop did not take the necessary steps to make certain that these arrests were absolutely necessary and to promptly release these people after they were arrested. In retrospect it is obvious that serious mistakes were made and that immediate action should have been taken. The question is, however, whether Judge Sloop is presently unfit to hold office and whether his conduct was fundamentally inconsistent with his being a judge. The Panel concludes that removal is not warranted.

In In re: McMillan, 797 So. 2d 560 (Fla. 2001), the Florida Supreme Court stated:

This court has emphasized that the object of disciplinary proceedings is not for the purpose of inflicting punishment, but rather to gage a judge's fitness to serve as an impartial judicial officer. See In re: Kelly, 238 So. 2d 565, 569 (Fla. 1970).

The court further held in McMillan that removal should only be imposed when the court concludes that the judge's conduct is fundamentally inconsistent with the responsibilities of judicial office. See In re: Graziano, 696 So. 2d 744, 753 (Fla. 1997).

The removal of a judge for a single infraction is extremely rare in Florida. This case presents three charges but it is unquestioned that only the arrests could warrant removal. The Panel finds no actual pattern of misconduct by Judge Sloop and no connection between Count One and the other two charges.

In In re: Schapiro, 845 So. 2d 170 (Fla. 2003), Judge Schapiro faced numerous charges and had sought counseling to learn the cause of his behavioral issues. Judge Schapiro voluntarily participated in psychological evaluations as well as therapy. Pursuant to a stipulation and recommendation of the JQC, the court concluded that Judge Schapiro should not be removed but should receive a public reprimand and undergo continual behavioral therapy plus issuance of a public apology. The opinion recognizes the importance of the judge's efforts to participate in behavioral therapy.

Many cases result in reprimands rather than removal when the judge takes affirmative steps to remedy the problem causing behavioral issues. See In re: Trettis, 577 So. 2d 1312 (Fla. 1991) and In re: Wood, 720 So. 2d 506 (Fla. 1998). Judge Wood had also been candid with the Commission and voluntarily submitted to anger and stress management therapy. He assured the Commission that he would continue to undergo such

therapeutic treatment. Judge Sloop also voluntarily sought therapeutic assistance.

In re: Norris, 581 So. 2d 578 (Fla. 1991), involved bizarre behavior by Judge Norris for which he was reprimanded by the Florida Supreme Court. Judge Norris went on a three day drinking spree resulting in a suicide attempt and carbon monoxide poisoning. After these events, Judge Norris sought medical treatment and was diagnosed with alcoholism and depression. Because Judge Norris came forward in seeking treatment to control his alcoholism and depression, the Court favorably considered these efforts and he was reprimanded and not removed. Also see In re: Schwartz, 755 So. 2d 110 (Fla. 2000); In re: Newton, 758 So. 2d 107 (Fla. 2000); and In re: Woodward, 919 So. 2d 389 (Fla. 2006). Other judges such as Judge Schwartz had also failed to heed previous warnings by the Commission and still been reprimanded rather than removed. The prior warnings in the Sloop situation occurred many years before the events in question.

The Hearing Panel concludes that Judge Sloop may not have a personality which endears him to all of his fellow judges and court personnel. However, there simply has been no demonstration by clear and convincing evidence that he is not presently fit to remain in office. The Panel also rejects the

suggestion that he was merely using ADHD as an excuse for his conduct.

Therefore the Hearing Panel recommends that Judge Sloop be found guilty as outlined above and that he be suspended without pay for 90 days. A substitute judge should cover Judge Sloop's calendar and Judge Sloop has agreed to pay the total cost of this substitute judge. (T. 140). The Hearing Panel thus recommends that he be required to make this payment and also suffer the loss of his regular salary. The Hearing Panel also recommends that Judge Sloop be mandatorily required to continue his treatment and medication and to file a report with the JQC every six months confirming his treatment status. Judge Sloop should also be required to issue letters of apology to the 11 citizens who were arrested and to publish a full page apology in a newspaper of general circulation in Seminole County. Judge Sloop should also be required to offer to make a personal apology to all of the arrested individuals. Judge Sloop should be required to comply with his commitment to retire at the end of his current term and to not seek to serve as a Senior Judge. If Judge Sloop returns to the practice of law he should still be required to continue his treatment and medication therapy and to file reports under the supervision of Florida Lawyer's Assistance, Inc.

Judge Sloop should be publicly reprimanded before this Court and pay the costs of these proceedings.

SO ORDERED this 14th day of July, 2006.

**FLORIDA JUDICIAL QUALIFICATIONS  
COMMISSION**

By: /s/ Thomas B. Freeman  
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Copies furnished in accordance with the attached list.

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